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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/052,949 | CUPP ET AL. | |
| | Examiner | Art Unit | |
| | Keith Hendricks | 1761 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 12-18-03.
2. ☒ The allowed claim(s) is/are 9-13 and 29-32.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Art Unit: 1761

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on June 18, 2004, Thomas Basso & Karen Barrett requested an extension of time for four (4) months (beyond the initial two months after Notice of Appeal) and authorized the Director to charge Deposit Account No. 02-1818 the required fee of \$1,480.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:


Please amend the claims as found on the attached two sheets.

** This listing of claims will replace all previous listings, and will represent the state of claims as allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith Hendricks whose telephone number is (571) 272-1401. The examiner can normally be reached on M-F (8:30am-6pm); First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KEITH HENDRICKS
PRIMARY EXAMINER

(Claims 1-8 canceled)

Claim 9. A dried pet food comprising a gelatinized matrix comprising a protein source, a carbohydrate source, about 2% to about 15% by weight of insoluble fiber, about 0.5% to about 5% by weight of a humectant, and a moisture content ranging from about 3% to about 7% by weight.

Claim 10. A dried pet food according to claim 9 in which the humectant is glycerin.

Claim 11. A dried pet food according to claim 9 in which the insoluble fiber is a cellulose fiber.

Claim 12. A dried pet food according to claim 9 which has a density of about 250 kg/m³ to about 320 kg/m³.

Claim 13. A dried pet food according to claim 9 in the form of a cat kibble which has a length of at least 6 mm, a thickness of at least 6 mm, and in which the minimum distance from a center of gravity of the gelatinized matrix to a surface of the gelatinized matrix is about 3 mm.

(Claims 14-28 canceled)

Claim 29. A dried pet food comprising a matrix comprising a denatured protein source, a gelatinized carbohydrate source, about 2% to about 15% by weight insoluble fiber, a humectant; and the dried pet food having a moisture content ranging from about 3% to about 7% by weight.

Claim 30. A dried cat food kibble comprising a matrix comprising a gelatinized protein source, a gelatinized carbohydrate source, about 2% to about 15% by weight insoluble fiber, and a humectant, the kibble having a moisture content ranging from about 3% to about 7% by weight and a length of at least 6 mm, a thickness of at least 6 mm, and in which the minimum distance from a center of gravity of the matrix to a surface of the matrix is about 3 mm.

Claim 31. A method of reducing calculus and plaque build up on a pet's teeth, the method comprising administering to the pet a dried pet food comprising a gelatinized matrix including a protein source, a carbohydrate source, about 2% to about 15% by weight of insoluble fiber, and a humectant, the pet food having a moisture content ranging from about 3% to about 7% by weight.

Claim 32. (amended) A method of reducing calculus and plaque build up on a cat's teeth, the method comprising administering to the pet a dried kibble which contains a gelatinized matrix including a protein source, a carbohydrate source, about 2% to about 15% by weight of insoluble fiber and a humectant, a moisture content ranging from about 3% to about 7% by weight, and has a length of at least about 6 mm, a thickness of at least about 6 mm, and in which the minimum distance from a center of gravity of the matrix to a surface of the matrix is about 3 mm.